

REMARKS/ARGUMENTS

In response to the Office Action mailed September 23, 2005, Applicants submit the following commentary and information. Yet another Information Disclosure Statement is supplied accompanied by various publications that are clearly already available to the Examiner from the comments included in the Office Action.

By way of review, this patent application includes at page 4 a reference to what was previously known in the prior art.

“An example is set forth in Li, Y. Advanced Computing Technology for Integrated Design of Textiles and Apparel, Ergonomics of the Protective Clothing, Proceedings of NOKOBETEF 6 and 1st European Conference on Protective Clothing; Stockholm, Sweden; May 7-10, 2000, which is herein incorporated by reference in its entirety.”

The present patent application identifies three co-inventors, including Yi Li, the person referred to in the foregoing passage. According to the Office Action, the Examiner has declared that the document referred to above is not a publication and has refused to consider the document which was submitted in Information Disclosure Statement in accordance with a prior demand for a copy of the cited document. The Examiner has asserted, based upon “a review of the conference Proceedings, *obtained by the office*, ...that *there is no such paper in the Proceedings*.” In addition, the Examiner asserts that there are three different papers in the cited Proceedings by at least one of the co-inventors of the present patent application that the Examiner believes are highly relevant to the claimed invention, but which have not been supplied to the Office. Of course, while the Examiner cites 35 USC 1.56, Applicants are unaware of any practice that prohibits an Examiner from citing a relevant prior art publication by an inventor, even if not supplied by the inventor, but discovered by the Examiner.

The following comments and the attached Information Disclosure Statement supply information provided by Dr. Li, the lead inventor of the present patent application and the person identified as the sole author of the document referred to in the patent application.

The undersigned, following the implicit suggestion of the Examiner, searched the Internet to find the Proceedings of the conference referred to in the excerpt from page 4 of the patent application. The conference Proceedings were obtained with moderate difficulty and searching. Although the Examiner has access to the Proceedings through the Internet, as a courtesy, and at a cost to the Applicants, the attached Information Disclosure Statement includes the frontispiece of the conference Proceedings, the Table of Contents of the published Proceedings, and three papers from the published Proceedings that include Dr. Li as a co-author. If other articles in the published conference Proceedings seem pertinent to the Examiner, it is apparent that he has access through the Internet to those other papers.

It is apparent by comparing the document previously submitted indicating sole authorship by Dr. Li and with the title "Advanced Computing Technology for Integrated Design of Textiles and Apparel" to the document appearing in the published Proceedings identifying Dr. Li as one of four authors and entitled "Integrated CAD for Functional Textiles and Apparel", that the documents are substantially similar in content. Dr. Li explains the difference in title, authorship, and content between these two documents, based solely on recollection, that there was no intention originally to publish the Proceedings of the conference. It was, after all, the first such European conference, although others have followed.

According to Dr. Li, the paper she provided to her patent attorney in Hong Kong in connection with the preparation of the present patent application, and which is referred to on page 4 of the patent application and which was previously submitted to the Examiner, is the draft of a paper sent to the conference and presented at the conference. At a later time, after conclusion of the conference, the conference organizers decided to publish a conference Proceedings and asked the presenters at the conference to revise and submit the initially submitted papers for publication. It is Dr. Li's recollection that more than one year passed following the conference before the conference Proceedings were published. At the time of the filing of the present patent application, which is not based upon any previously filed foreign patent application and which was prepared under urgent circumstances to perfect the filing within one year of the conference presentation, that

draft was incorporated by reference in the patent application. It is Dr. Li's belief that, at the time of the preparation of the patent application, the conference Proceedings were not yet available.

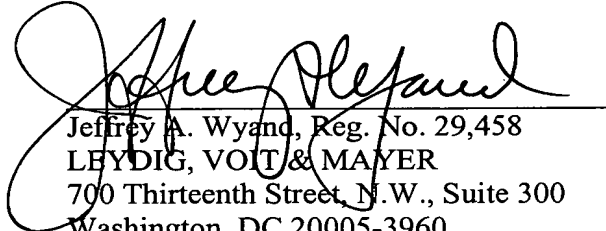
In view of the Examiner's demand for a copy of the paper referred to at page 4 of the patent application, that very paper was supplied, rather than the form of the paper that appeared in the published Proceedings. Dr. Li advises that it is not unusual in academic circles to revise a conference paper for formal publication or to change authorship at the time of the preparation of the formal published document. It is apparent that the basic information in the two forms of the paper is substantially the same. While the foregoing information represents Dr. Li's best recollection as to what occurred, unfortunately, events now inquired into occurred some four or five years ago and correspondence regarding the conference, the paper presented, and the ultimate published form of the paper, are no longer available.

With regard to the other papers appearing in the conference Proceedings and identifying Dr. Li as a co-author, she does not agree with the Examiner that those papers are highly relevant to the invention claimed in the present patent application. The paper co-authored with Junyan Hu reports specific experimental results not related to the digitized functional design of fabrics. The paper regarding heat preservation in a diving suit reports the result of specific modeling of that garment and is not believed by Dr. Li to relate directly to digitized functional design systems for textiles. However, both documents are now before the Examiner for his decision as to relevance and any effect upon the patentability of the pending claims.

As a further courtesy to the Examiner, attached is a four-page list of 58 publications identifying Dr. Li as the author or as a co-author. Any or all of these documents would be made available to the Examiner upon request and an effort is being made to obtain and supply copies of the four publications that have nominal publication dates before the filing date of the present patent application. Three of those four papers have titles suggesting that the content is similar to the paper published in the Proceedings of the Stockholm conference. The list, which does not include the papers from the Stockholm conference, was compiled and supplied by Dr. Li.

As it is believed that the foregoing remarks and the attached Information Disclosure Statement fully respond to the questions raised in the Office Action mailed September 23, 2005, Applicants respectfully request the Examiner resume examination of this patent application on its merits.

Respectfully submitted,


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Ergonomics of Protective Clothing

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1st European Conference on Protective Clothing
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Kalev Kuklane and Ingvar Holmér (eds.)

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Table of contents

| | |
|--|-----------|
| Past, present and future trends in protective clothing | 1 |
| Traugott Zimmerli | |
| Integrated CAD for functional textiles and apparel | 8 |
| Yi Li, Edward Newton, Xiaonan Luo, Zhongxuan Luo | |
| Influence of air permeability on thermal and moisture transport through clothing | 12 |
| René Rossi, Markus Weder, René Gross, Friedrich Kausch | |
| New algorithms for prediction of wind effects on cold protective clothing | 17 |
| Håkan O. Nilsson, Hannu Anttonen, Ingvar Holmér | |
| Limitations of using a single-exponential equation for modelling clothing ventilation | 21 |
| Mark Bentley, Lisa M. Bouskill, George Havenith, Reginald W. Withey | |
| Effects of skin pressure by clothing on thermoregulation and digestive activity | 25 |
| Hiromi Tokura | |
| Ergonomics of protective clothing | 26 |
| George Havenith, Ronald Heus | |
| Application of the product planning chart in quality function deployment to improve the design of a fireman's safety harness | 30 |
| Neil Parkin, Dave J. Stewardson, Michael Peel, Mike Dowson, Joe F. L. Chan | |
| An adaptive approach to the assessment of risk for workers wearing protective clothing in hot environments | 34 |
| Ken Parsons | |
| Radiation protective clothing in a hot environment and heat strain in men of different ages | 38 |
| Anna Marszałek, Maria Konarska, Juhani Smolander, Krzysztof Soltynski, Andrzej Sobolewski | |
| Management of Safety and Health Protection on building sites – under special consideration of use of personal protective equipment | 41 |
| Bernd Ziegenfuß, Nicola Klein | |
| Clothing trials as a part of worker training | 44 |
| Tanja Risikko, Juhani Hassi, Tiina M. Mäkinen, Liisa Toivonen | |
| Properties of foul weather clothing for construction workers after use | 48 |
| René Rossi, Markus Weder, Friedrich Kausch | |
| Physiological optimisation of protective clothing for users of hand held chain saws | 53 |
| Volkmar T. Bartels, Karl-Heinz Umbach | |
| The need for a rational choice of cold protective equipment in a refrigerated working environment | 57 |
| Shin-ichi Sawada | |
| Diversified design needs of personal protective devices and clothing in cold climate: An example in the design needs of protective outdoors winter shoes | 62 |
| John Abeysekera | |
| Footwear for cold work: a limited questionnaire survey | 67 |
| Kalev Kuklane, Désirée Gavhed, Eva Karlsson, Ingvar Holmér, John Abeysekera | |
| Footwear for cold work: a field study at a harbour | 71 |
| Kalev Kuklane, Désirée Gavhed, Eva Karlsson, Ingvar Holmér | |

| | |
|---|------------|
| Footwear for cold work: a field study about work on high masts Kalev Kuklane, Désirée Gavhed, Ingvar Holmér | 75 |
| Innovations in fibres and textiles for protective clothing Roshan Shishoo | 79 |
| High visibility warning clothing Doina Toma, Eftalea Carpus, Iuliana Cohea | 88 |
| The effectiveness of phase change materials in outdoor clothing Huensup Shim, Elizabeth A. McCullough | 90 |
| Protective equipment against heat and/or fire produced from performant fibres Doina Toma, Eftalea Carpus, Emilia Visileanu | 94 |
| Dynamics of sweat vapour sorption as the function of physical parameters of textile packets under protective barrier Grażyna Bartkowiak | 98 |
| Psycho-physiological mechanisms of thermal and moisture perceptions to the touch of knitted fabrics Junyan Hu, Yi Li | 102 |
| Combined effects of fabric moisture absorbancy and air permeability on thermophysiological responses in the warm environments Hiromi Tokura | 107 |
| Fibres, textiles and materials for future military protective clothing Richard A. Scott | 108 |
| Woven technical textiles for ballistic protection Carmen Mihai, Eftalea Carpus, Emilia Visileanu, Doina Toma, Nicolae Scarlat, Mircea Milici | 114 |
| Thermal protective textiles: Correlation between FR properties and static propensity Jose A. Gonzalez, Martin W. King, Amit Dhir | 119 |
| Testing and evaluation of electrostatic behaviour of electric inhomogeneous textiles with core- conductive fibers Jürgen Haase, Christian Vogel | 123 |
| Features of electric arc accidents in Finland 1996-1999 Sanna Mustonen, Helena Mäkinen | 127 |
| Electric arc testing with heat flux measurement for FR clothing materials Sanna Mustonen, Helena Mäkinen, Kalevi Nieminen | 131 |
| Needs for research for protective clothing standards Eero Korhonen | 135 |
| A new structure of Ergonomic Standards for PPE – Proposal from Kommission Arbeitsschutz und Normung – KAN (Commission for Occupational Health and Safety and Standardization) Dorit Zimmermann | 137 |
| Main non-conformities of protective clothing detected in the Spanish market Ignacio Cáceres, José Bahima, Eva Cohen | 141 |
| Evaluating the cutting resistance of protective clothing materials Jaime Lara, Serge Massé | 145 |

| | |
|--|-----|
| Testing materials against small hot metal drops - Development of a new test method | 150 |
| Helena Mäkinen, Sanna Raivo, Sanna Karkkula, Erkki Rajamäki | |
| Revision of test methods: Better screening of PPE materials against liquid pesticides | 154 |
| Anugrah Shaw, Eva Cohen and Torsten Hinz | |
| A new British Standard: The assessment of heat strain for workers wearing personal protective equipment | 159 |
| Margaret Hanson | |
| Assessment of the scientific validity of ISO 7933/EN 12515 | 163 |
| Robin Howie | |
| The influence of the number of thermal layers on the clothing insulation of a cold-protective ensemble | 167 |
| Désirée Gavhed, Kalev Kuklane, Ingvar Holmér | |
| Thermal insulation of multi-layer clothing ensembles measured on a thermal manikin and estimated by six individuals using the summation method in ISO 9920 | 171 |
| Désirée Gavhed, Kalev Kuklane, Ingvar Holmér | |
| Effect of the number, thickness and washing of socks on the thermal insulation of feet | 175 |
| Kalev Kuklane, Désirée Gavhed, Ingvar Holmér | |
| Use of manikins in protective clothing evaluation | |
| Methods for cold protective clothing evaluation | 179 |
| Håkan O. Nilsson, Hannu Anttonen, Ingvar Holmér | |
| Research on typical medical work clothing on humans and on a thermal manikin | 183 |
| Krzysztof Soltynski, Maria Konarska, Jerzy Pyryt, Andrzej Sobolewski | |
| Comparative evaluation of the methods for determining thermal insulation of clothing ensemble on a manikin and person | 188 |
| Ralemma F. Afanasieva, Nina A. Bessonova, Olga V. Burmistrova, Vyacheslav M. Burmistrov, Ingvar Holmér, Kalev Kuklane | |
| Evaporative resistance of various clothing ensembles measured on standing and walking manikin | 192 |
| Krzysztof Blazejczyk, Ingvar Holmér | |
| Rain tightness of protective clothing – Prenormative interlaboratory tests using a manikin | 196 |
| Peter Heffels | |
| Development of the research and technology group flammability manikin systems | 200 |
| James D. Squire | |
| Hand protection | |
| Thermal properties of protective gloves measured with a sweating hand | 204 |
| Harriet Meinander | |
| Manual performance after gripping cold surfaces with and without gloves | 208 |
| Qiuqing Geng, Eva Karlsson, Ingvar Holmér | |
| Cold protective gloves in meat processing industry - product development and selection | 212 |
| Hannu Anttonen, Piritta Pietikäinen, Hannu Rintamäki and Sirkka Rissanen | |

| | |
|---|------------|
| Protective gloves against mechanical and thermal risks Doina Toma, Eftalea Carpus | 216 |
| A case study on the selection and development of cut resistant protective gloves for household appliance assembly industries Jaime Lara, Chantal Tellier | 218 |
| Issues and challenges in chemical protective clothing Jeffrey O. Stull | 222 |
| Sweat effects on adsorptive capacity of carbon-containing flannel Hubin Li, Jiangge Liu, Lei Li, Zhiqiang Luan | 226 |
| Dynamic elongation test to evaluate the chemical resistance of protective clothing materials Jaime Lara, Gérald Perron, Jacques E. Desnoyers | 230 |
| Physiological strain and wear comfort while wearing a chemical protective suit with breathing apparatus inside and outside the suit in summer and in winter Raija Ilmarinen, Harri Lindholm, Kari Koivistoinen, Petteri Helistén | 235 |
| Performance criteria for PPE in agri- and horticulture Torsten Hinz, Eberhardt Hoernicke | 239 |
| Limits of recycling in protective apparel Serhiy Zavadsky | 243 |
| Protective clothing and survival at sea Hilde Færevik | 245 |
| Current and future standards of survival suits and diving suits Arvid Päsche | 252 |
| Heat preservation behavior of diving suit Zhongxuan Luo, Edward Newton, Yi Li, Xiaonan Luo | 255 |
| The effect of the distribution of insulation in immersion suits on thermal responses Randi Eidsmo Reinertsen | 259 |
| Lifevests - what is the value of the certification? Arvid Päsche | 262 |
| Pass/fail criteria to evaluate the strength of buoyancy aids (50 N) and lifejackets (100 N) in accordance to EN 393:1993, EN 395:1993 and the A1:1998 Hanna Koskinen, Raija Ilmarinen | 263 |
| The effect of protective clothing on thermoneutral zone (TNZ) in man Drude Markussen, Gro Ellen Øglænd, Hilde Færevik, Randi E. Reinertsen | 267 |
| Passenger survival suits - a new emergency equipment Arvid Päsche | 268 |
| Protective clothing for firefighters Aspects of firefighter protective clothing selection Mandy Stirling | 269 |
| Investigating new developments in materials and design via statistically designed experiments Dave J. Stewardson, Shirley Y. Coleman, John Douglass | 273 |
| Design of UK firefighter clothing Richard Graveling, Margaret Hanson | 277 |

| | |
|---|------------|
| Effects of clothing design on ventilation and evaporation of sweat Emiel A. den Hartog | 281 |
| Physiological load during tunnel rescue Ulf Danielsson, Henri Leray | 285 |
| Effectiveness of a light-weight ice-vest for body cooling in fire fighter's work Juhani Smolander, Kalev Kuklane, Désirée Gavhed, Håkan Nilsson, Eva Karlsson, Ingvar Holmér | 289 |
| Fire fighter garment with non textile insulation Michael Hocke, Lutz Strauss, Wolfgang Nocker | 293 |
| Assessing fire protection afforded by a variety of fire-fighters hoods James R. House, James D. Squire, Ron Staples | 296 |
| Fire fighters' views on ergonomic properties of their footwear Helena Mäkinen, Susanna Mäki, José S. Solaz, Dave J. Stewardson | 300 |
| Participant list | 304 |
| Author index | 312 |

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